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**VIA FACSIMILE**

June 1, 2020

Hon. Amos L. Mazzant, III  
 United States District Court for the  
 Eastern District of Texas  
 Paul Brown United States Courthouse  
 101 East Pecan Street  
 Sherman, Texas 75090  
 903-893-7008 (Phone)  
 903-893-9067 (Fax)

**Re: *Earl v. The Boeing Company and Southwest Airlines Co.*, Case No. 4:19-cv-00507 (EDTX)**  
***Ex Parte* Submission for Privilege Review in Conjunction with June 1, 2020 Hearing.**

Dear Judge Mazzant:

Enclosed, please find my submission of an affidavit and documents, which I am submitting *ex parte* to the Court for a privilege review, in conjunction with the June 1, 2020 hearing in this matter. Pierce Bainbridge, by its outside counsel Ed Altabet, has claimed a blanket privilege over all of these documents and other information, which has prevented me from filing these documents publicly—let alone disclosing their contents or disclosing publicly other relevant knowledge I possess, which is based on internal communications at Pierce Bainbridge.

My position on privilege for most of the documents and the information I have included in my *ex parte* submission, is that they are *not* privileged or confidential. For example, some of the communications include third parties that are unaffiliated with me or Pierce Bainbridge, and therefore are not confidential or protected by privilege. Others do not contain any work product or confidential information and therefore no privilege should apply—or, at most, should only apply to limited portions of the documents and/or communications. In addition, several of the documents over which the firm claims privilege are threatening communications from Ed Altabet to me *after* my employment at Pierce Bainbridge ended, and therefore cannot possibly be protected by any privilege or confidentiality—despite Mr. Altabet's contentions to the contrary.

Nonetheless, based on Pierce Bainbridge's position, and Mr. Altabet's belligerent actions, I am submitting these documents and additional information *ex parte* to permit the Court to examine it outside the presence of counsel for defendants for a determination of whether any privilege applies to shield the documents from disclosure. I have redacted portions of some documents that include information

June 1, 2020  
Page 2

regarding *other* cases, which I do not believe should be disclosed at all (nor is such information relevant, here).

These documents support, or provide context to, the basis for my assertion that David Hecht made several misrepresentations in his statements on the record at the May 13, 2020 hearing in this matter, and in the Response brief he filed on behalf of Pierce Bainbridge on May 28, 2020 (ECF No. 109) (the “Response”). Specific misrepresentations include:

- (1) Mr. Hecht’s repeated assertion that the initial Motion to withdraw was filed “in error,” when I can demonstrate it was not.
- (2) Mr. Hecht’s repeated representations that he and Mr. Lorin never resigned from Pierce Bainbridge, but instead only resigned from the partnership. Documents and communications in my possession show this is not accurate<sup>1</sup>;
- (3) Mr. Hecht’s repeated statements that he is “knowledgeable” about this case, has ever had, a “critical” role in this case—or that he is in a position to advance Plaintiffs’ case. This appears to be based solely to his on-the-record assertion that the litigation funding he is purportedly attempting to secure is directly “tied to” his “own continued role in the case.” See ECF No. 109 at 2 and 5; quoting Transcript of May 13, 2020 Hearing at 4:23-25. Mr. Hecht’s representations that he purportedly might-have-secured-funds-subject-to-documentation to help pay for costs (even if true) are not relevant to his assertion that he has played a critical role or is knowledgeable about this case, and may have been made to mislead for some other purpose.

In addition, Mr. Hecht’s purported reasoning for leaving the Motion to Withdraw untouched for twenty-nine (29) days, and sudden interest in withdrawing it is also dubious. At the May 13th hearing, Mr. Hecht provided various excuses to the Court and counsel as to why he had not acted sooner, such as “COVID” and “significant structural changes” at Pierce Bainbridge—none of which have anything to do with why the Motion to Withdraw was filed, and most likely nothing to do with why no effort was made to withdraw it for twenty-nine (29) days.

While I can certainly empathize with the challenges COVID-19 as wrought on so many, despite the pandemic, Mr. Hecht managed to launch his own law firm, Hecht Partners, LLP<sup>2</sup>; file lawsuits there<sup>3</sup>;

<sup>1</sup> In addition, Mr. Hecht and Mr. Lorin have filed pleadings in other federal courts—some under oath—in the past two months that contradict Mr. Hecht’s on-the-record statements to the Court in this action concerning the continuity of their affiliation with Pierce Bainbridge. Many of these federal court filings are attached to a pleading filed in this matter on May 31<sup>st</sup>. See, e.g., Plaintiffs’ Opposition to David Hecht’s Request to Vacate the Court’s June 1, 2020 Hearing (ECF No. 112) at Exhibits C through I (ECF Nos. 112-4 through 112-10)

<sup>2</sup> See, e.g., <https://www.hechtpartners.com/david-l-hecht>

<sup>3</sup> See, e.g., *Hecht Partners Files Suit Against Boston University for Student Tuition Reimbursement*, CISON PR Newswire <https://www.prnewswire.com/news-releases/hecht-partners-files-suit-against-boston-university-for-student-tuition-reimbursement-301054356.html> (Last Accessed on May 31, 2020)

June 1, 2020  
Page 3

and brief several motions to compel, *Daubert* motions, and a major motion for summary judgment in an intellectual property lawsuit in the Southern District of Florida.<sup>4</sup> Yet, he could not find the time over the course of an entire month, to undertake the simple act of withdrawing a motion that he claims was filed “in error,” in a case that he belatedly claims he is affiliated with. *See Transcript at 3:16-19 and 9:23-24.*

Had someone at Pierce Bainbridge or “affiliated” with Pierce Bainbridge—as Mr. Hecht claims to have consistently been despite his March resignation—felt the Motion to Withdraw was filed “in error” they certainly could have withdrawn it right away. Yet, no one, including Mr. Hecht or Mr. Lorin, was willing to put their name on such a filing and represent to the Court that it ought to be withdrawn—at least no one was willing to take that position until May 13, 2020, twenty-nine (29) days after it was filed. Apparently, Mr. Hecht did not feel compelled to act until, according to him, a litigation funder offered him “**significant funds for this case tied to Mr. Lorin and my own continued role in the case**, subject to documentation.” *See id.* at 4:23-25 (emphasis added); *see also* Response at 5 (same).

In any event, Mr. Hecht’s and Mr. Lorin’s sudden position that they will remain involved in this case—despite leaving the Motion to Withdraw unchallenged for twenty-nine (29) days—does not excuse the misrepresentations made to this Court. Even if it is true that Mr. Hecht is now *re-affiliated* with Pierce Bainbridge (to the extent that entity meaningfully exists anymore), that does not excuse Mr. Hecht’s misrepresentations to the Court concerning the circumstances of his resignation or the propriety of the Motion to Withdraw.

Mr. Hecht’s sudden aggressive actions to appear in this litigation—in which he has had zero meaningful historical involvement to date—apparently to protect Pierce Bainbridge’s (or a perhaps a funder’s) “lodestar” interest, or perhaps to secure funding for his own law firm, all raise serious concerns over who is directing Pierce Bainbridge’s, Mr. Hecht’s (or Hecht Partners’) actions in this matter. This should be explored by the Court and the record should be corrected, accordingly.

Regards

Andrew M. Williamson



Andrew M. Williamson

**MEMBER**

**A.Williamson, LLC**

Enclosures: Affidavit and Exhibits

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<sup>4</sup> See, e.g., *Apple, Inc. v. Corellium, LLC*, Case No. 9:19-cv-81160 at ECF Nos. 341, 342, 344, 444, 452, and 454.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DAMONIE EARL, LINDA RUGG, ALESA BECK, TIMOTHY BLAKELY, JR., STEPHANIE BLAKELY, MARISA THOMPSON, MUHAMMAD MUDDASIR KHAN, ELIZABETH COOPER, JOHN ROGERS, VALERIE MORTZ-ROGERS, and LAKESHA GOGGINS, each individually and on behalf of all others similarly situated,

*Plaintiffs.*

v.

THE BOEING COMPANY, and SOUTHWEST AIRLINES CO.,

*Defendants.*

Civil Action No. 4:19-cv-00507

**DECLARATION OF ANDREW M. WILLIAMSON**

I, Andrew M. Williamson, declare as follows:

1. I am a Member at A.Williamson, LLC and former Counsel at the law firm of Pierce, Bainbridge Beck, Price and Hecht, LLP. I submit this declaration based on my own knowledge and belief, and as an officer of the Court pursuant to my ethical obligations under Local Rule AT-3(b) and Texas Disciplinary Rules of Professional Conduct 3.03.

2. At the May 13, 2020 hearing in this matter, and again in the Response, (ECF No. 109) (the “Response”) to my prior Notice and Request for Hearing (ECF No. 100), Mr. Hecht made several misrepresentations to the Court.<sup>1</sup>

3. I am concerned that he may have made those misrepresentations (and omitted information) to mislead counsel and the Court as to Pierce Bainbridge’s continued viability as an

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<sup>1</sup> A copy of the May 13, 2020 hearing transcript is attached for ease of reference as **Exhibit 1**.

entity, ability to continue to adequately represent Plaintiffs in this case and I am also concerned whether a litigation funder is exerting improper control or influence over Pierce Bainbridge's and/or Mr. Hecht's actions in this case.

4. I attempted to investigate the veracity of Mr. Hecht's statements before involving the Court. *See Exhibit 9 attached hereto (May 16, 2020 Email).* From the outset of those efforts, I received a threatening email from Pierce Bainbridge's outside counsel, Ed Altabet, in response to an inquiry regarding some of Mr. Hecht's on-the-record statements, which further reinforced my concerns over the motivation behind those statements and my concerns over who is actually controlling litigation for Pierce Bainbridge. *See Exhibit 10 attached hereto (May 17, 2020 Email).* I found it troubling that, instead of a factual response from the firm's CFO or COO (whom I had emailed), I instead received a visceral response from Mr. Altabet (who had previously represented to me that he has ties to the firm's litigation funder, Virage Capital Management, LLC). *See id.*

5. I have documents/communications in my possession, and knowledge from internal firm communications, which I believe are material to correcting the record.

6. However, Pierce Bainbridge and Mr. Altabet have asserted a blanket privilege over all of these documents and communications and have asserted privilege over me divulging the substance of any internal oral communications from my time at Pierce Bainbridge. *See Exhibit 11 (May 18, 2020 Email) and Exhibit 12 (May 20, 2020 Email).*

7. The following Exhibits are true and accurate copies of documents and communications in my possession relevant to the assertions I make in this affidavit, and which are relevant to correcting the record in this matter (my position regarding privilege is stated in the footnotes, below):

- a. **Exhibit 2:** Email memorandum that I sent to Camille Varlack (COO and Deputy General Counsel) and Kevin Cash (CFO) after being informed the

firm was shutting down on April 13<sup>th</sup>, which summarizes my cases and the actions I intended to take to wind them down, including filing a motion to withdraw in this matter (information regarding other matters is redacted).<sup>2</sup>

- b. **Exhibit 3:** My April 15, 2020 email to Mr. Altabet memorializing our conversation from the prior evening, explaining my authority to file withdrawal motion, and requesting that he stop threatening me.<sup>3</sup>
- c. **Exhibit 4:** April 15-16, 2020 “Direct Messages” from the firm’s Slack internal messaging system between myself and Andy Lorin in which he confirmed he was not continuing on the case, and that the firm had no “good faith” basis for doing so.<sup>4</sup>
- d. **Exhibit 5:** My email to Mr. Altabet from the evening of April 15, 2020 inquiring why he misrepresented Mr. Lorin’s availability to remain on the case, demanding access to my private client’s files, and demanding Mr. Altabet stop threatening me.<sup>5</sup>
- e. **Exhibit 6:** Andy Lorin’s April 16, 2020 email to Mr. Altabet confirming my actions were proper, that the motion to withdraw should remain on file, and related prior coercive email correspondence from Mr. Altabet.<sup>6</sup>
- f. **Exhibit 7:** Andy Lorin’s April 11, 2020 resignation letter—which was included as an attachment to emails from Ed Altabet and Kevin Cash—showing Mr. Lorin had resigned from the firm.<sup>7</sup>

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<sup>2</sup> My position on privilege for this email memoranda is that the information relevant to the issue of candor in this case is not shielded from disclosure (I have redacted information for other cases).

<sup>3</sup> I redacted one paragraph on Page 2, which contains confidential work product information, and my position on privilege is that nothing else in this email is privileged or confidential.

<sup>4</sup> My position is that nothing in this correspondence is privileged or confidential.

<sup>5</sup> I redacted work product information and information related to other matters in this email, and my position on privilege is that nothing else in this email is privileged or confidential.

<sup>6</sup> My position is that nothing in this email is privileged or confidential.

<sup>7</sup> My position is that nothing in this document is privileged or confidential.

- g. **Exhibit 8:** My April 22, 2020 Final Case Memorandum sent to Camille Varlack (COO), Kevin Cash (CFO), and Tom Warren (Interim Managing Partner).<sup>8</sup>
- h. **Exhibit 9:** An email I sent to Camille Varlack and Kevin Cash on Saturday May 16, 2020 inquiring as to Mr. Hecht's representations that he and Mr. Lorin were still "affiliated" with Pierce Bainbridge.<sup>9</sup>
- i. **Exhibit 10:** An email I received at my current law firm address from Mr. Altabet on May 17, 2020, in response to my email to Ms. Varlack and Mr. Cash, in which Mr. Altabet made baseless accusations against me in an apparent effort to intimidate me.<sup>10</sup>
- j. **Exhibit 11:** May 18, 2020 email correspondence from me to Mr. Altabet responding to his May 17<sup>th</sup> email and confirming I would seek a Court order, per his demand, before taking any further action that would disclose substantive information based on internal Pierce Bainbridge communications and documents—despite their materiality to correcting the record in this matter.<sup>11</sup>
- k. **Exhibit 12:** May 20, 2020 in which I confirmed I would present the attached documents to the Court for a privilege review before presenting them (or discussing their contents) with counsel for defendants.<sup>12</sup>

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<sup>8</sup> My position on privilege for this memorandum is that the portions relevant to the issue of candor to the Court in this matter are not shielded from disclosure by work product or privilege (I have redacted information relevant only to other cases, which is irrelevant here).

<sup>9</sup> My position on privilege is that nothing in this correspondence is privileged or confidential. This was sent to me at my current law firm email address and I have no former or current confidential relationship with Mr. Altabet that could possibly support an assertion of privilege over this email.

<sup>10</sup> My position on privilege is that nothing in this correspondence is privileged or confidential. This was sent to me at my current law firm email address and I have no former or current confidential relationship with Mr. Altabet that could possibly support an assertion of privilege.

<sup>11</sup> My position on privilege is that nothing in this correspondence is privileged or confidential. It was sent to me at my current law firm email address and I have no former or current confidential relationship with Mr. Altabet that could possibly support an assertion of privilege over this email.

<sup>12</sup> My position on privilege is that nothing in this correspondence is privileged or confidential. This was sent to me at my current law firm email address and I have no former or current confidential relationship with Mr. Altabet that would support an assertion of privilege here.

8. Information in these documents supports my belief that Mr. Hecht made several misrepresentations to the Court (both at the May 13<sup>th</sup> hearing and in the May 28<sup>th</sup> Response), and my concern for his lack of candor to the Court, summarized as follows:

a. Mr. Hecht stated at the hearing, and again in the Response, that he and Andy Lorin never resigned from Pierce Bainbridge, but purportedly only resigned from the partnership, and never left the firm. *See Transcript (Exhibit 1) at 4:9-11; Response (ECF No. 109) at 2.* That is not true. I was told that Mr. Hecht resigned from the firm by firm managers and Mr. Hecht is on record and *under oath* in several other federal courts stating as far back as mid-April that he was no longer *affiliated* with Pierce Bainbridge. *See Exhibit 3 at 1 and Exhibit 5 at 1.* Mr. Lorin told me he had resigned from the firm. *See Exhibit 4 at 2, Exhibit 5 at 1, and Exhibit 6 at 1.* And, Mr. Lorin's resignation letter, unequivocally state he put in his notice of resignation *from the firm* on April 11, 2020. *See Exhibit 7.*

b. The Motion to Withdraw was not filed "in error" as Mr. Hecht claimed at the hearing (a claim he repeats in the Response). *See Transcript (Ex. 1) at 3:15-19; Response at 2-5.* For one, Mr. Hecht's primary basis for that statement is that he and Mr. Lorin never left Pierce Bainbridge and therefore could continue on the matter (Transcript at 20-24)—a statement which is demonstrably false. Importantly, the Motion to Withdraw was filed based on instructions from firm management, which I repeatedly confirmed in writing with firm management. *See Exhibit 2 at 1; Exhibit 3 at 1; Exhibit 4 at 2; Exhibit 5 at 1; Exhibit 6 at 1; Exhibit 8 at 2-3.* And, Mr. Hecht omitted the critical fact that, despite Mr. Hecht's protests shortly after the motion was filed, the firm made a decision not to withdraw. *See Exhibits 4-7.* That decision was made in light of Mr. Hecht's and Mr. Lorin's resignation and because, among other things, the filing itself was not improper and there were *zero* attorneys remaining at the firm to work on the case.<sup>13</sup> *See id.* In fact, on April 16<sup>th</sup> (two days after the motion was filed), Andrew Lorin, the last remaining partner on the case at the time, specifically directed that the motion not be withdrawn because neither he, nor anyone else was going to continue on the matter at Pierce Bainbridge, and the firm was "incapable of servicing the clients, nor does it have a good faith basis for believing that it shortly can service the client[s]." *See Exhibit 4 (Slack DMs from Mr. Lorin) at 2; see also Exhibit 6 (Lorin April 16<sup>th</sup> Email) at 1.*

c. There does not appear to be any legitimate factual basis whatsoever for Mr. Hecht's statements at the May 13<sup>th</sup> hearing or in the May 28<sup>th</sup> Response that he somehow "knowledgeable" about this case, has now, or has ever had, a "critical" role in this case—or that he is in a position to advance Plaintiffs' case. The undersigned worked on this case from Fall 2019 through April 2020, and can affirm that Mr. Hecht has never participated

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<sup>13</sup> Mr. Hecht also raises the issue of whether Plaintiffs' "authorized" the withdrawal. My understanding is that the Plaintiffs were informed of Pierce Bainbridge's withdrawal motion by counsel, and none objected.

in any meaningful manner. His representations that he purportedly might have secured-funds-subject-to-documentation to help pay for costs (even if true) are not relevant to his representation that he has played a critical role. This is corroborated by representations at a prior hearing that Mr. Hecht has not billed any time on this case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 31, 2020



/s/ Andrew M. Williamson  
Andrew M. Williamson

# EXHIBIT 1

APPEARANCES (BY TELEPHONE):

9 FOR THE PLAINTIFF: MR. BRIAN JAMES DUNNE  
10 BATHAEE DUNNE, LLP  
355 S. GRANDE, 44TH FLOOR  
LOS ANGELES, CA 90071

11 MR. YAVAR BATHAEE  
12 MR. EDWARD GRAUMAN  
13 MR. ANDREW CHAN WOLINSKY  
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NEW YORK, NY 10022

15 MR. DAVID L. HECHT  
16 MR. ANDREW JAY LORIN  
17 MR. MICHAEL POMERANTZ  
MR. ANDREW MICHAEL WILLIAMSON  
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19 MR. JOHN JEFFREY EICHMANN  
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20 SANTA MONICA, CA 90401

21 MR. BARRON MCGINNIS FLOOD  
22 HERBERT SMITH FREEHILLS  
450 LEXINGTON, 14TH FLOOR  
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24 MS. ELIZABETH L. DERIEUX  
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1 FOR BOEING:

2 MR. BENJAMIN L. HATCH  
3 MR. JEREMY S. BYRUM  
4 MCGUIRE WOODS  
5 101 W. MAIN  
6 SUITE 9000 WORLD TRADE CENTER  
7 NORFOLK, VA 23510

8  
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10 MR. THOMAS MILES FARRELL  
11 MCGUIRE WOODS  
12 600 TRAVIS, SUITE 7500  
13 HOUSTON, TX 77002

14 MR. CLYDE MOODY SIEBMAN  
15 SIEBMAN FOREST  
16 300 N. TRAVIS  
17 SHERMAN, TX 75090

18 FOR SOUTHWEST:

19 MR. MICHAEL SWARTZENDRUBER  
20 MR. JAMES V. LEITO  
21 MR. JASON K. FAGELMAN  
22 NORTON ROSE FULBRIGHT  
23 2200 ROSS, SUITE 3600  
24 DALLAS, TX 75201

25 COURT REPORTER:

1 MS. JAN MASON  
2 OFFICIAL REPORTER  
3 101 E. PECAN #110  
4 SHERMAN, TEXAS 75090

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16 PROCEEDINGS REPORTED BY MECHANICAL STENOGRAPHY, TRANSCRIPT  
17 PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

1                   THE COURT: Good morning. This is Judge Mazzant and  
2 we're here in 4:19CV507.

3                   I think everyone has made their appearances, and I  
4 think you understand the drill. Please identify yourself  
5 every time you speak.

6                   We're here on Plaintiffs' motion to withdraw Pierce  
7 Bainbridge as co-counsel and request for termination of  
8 electronic notice, which is Document 79, and there are  
9 responses that were kind of opposed to it, really just  
10 because -- well, the motions speak for themselves.

11                  So let me hear -- who would like to speak on behalf of  
12 Pierce Bainbridge?

13                  MR. HECHT: Your Honor, this is David Hecht on behalf  
14 of Pierce Bainbridge. We are withdrawing the withdrawal motion  
15 as to myself, David Hecht, and Andrew Lorin. We believe the  
16 motion was submitted in error by a lawyer at Pierce Bainbridge  
17 during the tumultuous and uncertain time at the firm and in the  
18 United States with COVID in April. The lawyer might have  
19 thought it was appropriate, but it was in fact filed in error.

20                  The motion was actually wrong as to, for example,  
21 representing that as of April 15th none of the withdrawing  
22 attorneys would remain with PB. Mr. Lorin and myself have  
23 not left PB. We are still officed at PB. And when I say  
24 PB, I mean Pierce Bainbridge.

25                  I did want to address -- and we apologize for not

1 previously withdrawing the motion, and we didn't because of  
2 several reasons. First, COVID has wreaked havoc on many of  
3 our lives, personally and professionally. Mr. Lorin had  
4 COVID and was recovering, as is his father. My mother is  
5 still in the hospital.

6 Second, there was significant structural changes at  
7 Pierce Bainbridge that took a couple of weeks to shake out  
8 and determine where the pieces would fall.

9 Mr. Lorin and I withdrew from the partnership but we  
10 remain affiliated in connection with certain cases,  
11 including this one. We have access to all the Pierce  
12 Bainbridge systems.

13 And whether there was any affiliation is something that  
14 Southwest had questioned in its papers. I can represent  
15 that there is an affiliation. We're working with Pierce  
16 Bainbridge to service the clients in a co-counsel role,  
17 under an agreement with Bathaee Dunne as co-counsel.

18 Third, and most importantly, part of the reason it was  
19 delayed, most of the reason is also because we were trying  
20 to work through financials to secure sufficient funding to  
21 represent the clients sufficiently and effectively in light  
22 of this tumultuous situation. And just last night we  
23 secured an independent commitment of significant funds for  
24 this case tied to Mr. Lorin and my own continued role in the  
25 case, subject to documentation.

1       That's something that will allow me, Mr. Lorin and  
2 others that we are affiliated with to advance the  
3 Plaintiffs' case. We will research, review documents, draft  
4 briefs, work with experts, whatever is necessary to advance  
5 the case, as well as paying for a portion of costs.

6       Our expectation is that within the next couple of weeks  
7 the funding will be papered and we will be able to announce  
8 that. And we also have sufficient resources, aside from  
9 Mr. Lorin and myself, to continue to represent Plaintiffs in  
10 this case.

11      And I also wanted to address one of the concerns  
12 brought up by Southwest regarding who was in possession,  
13 custody and control of all relevant documents. Pierce  
14 Bainbridge has preserved documents, has possession, custody  
15 and control. We have, for example, our engagement  
16 agreements, things like that.

17      So with that, we do want to withdraw the motion and,  
18 you know, we do apologize that it took this long to get  
19 things together, but it has been an unprecedented time.

20      THE COURT: Okay. So you want to withdraw the  
21 motion. Are you going to be filing a new motion to withdraw  
22 the certain counsel -- I guess some of the other members of  
23 Pierce Bainbridge, I guess, are no longer with or are going to  
24 be on the case. I guess just you and Mr. Lorin. I assume  
25 you're going to file another motion to clear that up.

1                   MR. HECHT: Yes, we can absolutely do that, and we  
2 will work in cooperation with all of these individuals, so  
3 everyone knows when something is filed as opposed to something  
4 being filed without everyone knowing.

5                   THE COURT: Okay. Very well. Let me ask, they're  
6 requesting to withdraw the motion, but is anybody else -- does  
7 his explanation answer the questions everyone had?

8                   MR. DUNNE: Well, so this is Brian Dunne from Bathaee  
9 Dunne.

10                  I just want to note that pretty much every word that  
11 was just said is completely news to us and was never  
12 provided to us in writing or told to us over the phone. No  
13 one called to say, hey, we're looking for or we have secured  
14 but not secured but maybe secured funding, or that, you  
15 know, David Hecht and Andy Lorin are staying on with Pierce  
16 Bainbridge.

17                  And so I -- it's a bit of news to our firm, but we look  
18 forward to, I guess, seeing what further information is  
19 provided on this issue.

20                  THE COURT: Okay. Well, I totally --

21                  MR. HECHT: Your Honor --

22                  THE COURT: Go ahead.

23                  MR. HECHT: This is David Hecht again.

24                  We certainly look forward to working with Bathaee  
25 Dunne. We -- it was, you know, kind of a recent

1 development. As I said, last night there was a very large  
2 development with respect to funding and securing that and  
3 making sure that we can adequately represent this class of  
4 Plaintiffs.

5 And I don't want this hearing to get into petty  
6 bickering or any kind of mud-slinging. So we're happy to  
7 work it out. We don't want to waste the Court's resources  
8 in any kind of drama amongst the firms.

9 THE COURT: Okay. Any --

10 MR. POMERANTZ: Your Honor, this is Michael  
11 Pomerantz. I just wanted to speak quickly. I'm one of the  
12 attorneys who has moved to withdraw as part of that motion.

13 I resigned from Pierce Bainbridge in early March, and  
14 in the normal course of transitioning my matters, I did ask  
15 the firm to move to withdraw me from this matter, along with  
16 the other matters that I worked on at the firm.

17 I am currently in the process of incorporating and I  
18 hope to represent the Plaintiffs in this case as co-counsel.  
19 But my intention would be to file a new notice of appearance  
20 at the appropriate time. So I would -- I would anticipate a  
21 new motion to withdraw me as counsel, regardless of the  
22 withdrawal or non-withdrawal of this motion, which I also  
23 was not aware was happening until just now.

24 THE COURT: Okay. Anybody else want to comment on  
25 this matter? Let me first ask, anyone from Southwest?

1 MR. SWARTZENDRUBER: Your Honor, this is Mike  
2 Swartzendruber on behalf of Southwest.

3        All of this is, of course, news to us, and we've heard  
4 none of this. What I think I heard at this point is that  
5 there was a withdrawal motion that was filed without  
6 authorization. There is Bathaee Dunne involved. There is  
7 now a new firm involved, and there are presumably -- I don't  
8 know -- some combination of at least another three lawyers  
9 potentially claiming involvement.

10 And the original motion was devoid of any  
11 representations about where the Plaintiffs fit into all  
12 this. And the actual Plaintiffs have been, frankly, fairly  
13 absent from this -- from this case, which is highly unusual  
14 to me in the context of a withdrawal motion.

15 And I think that, again, kind of as we said in our  
16 papers, we're a bit baffled about how to take a position on  
17 this motion, or the motion that was pending that apparently  
18 is going to be withdrawn. But I would like to understand  
19 where the Plaintiffs are on this.

20        Obviously, class action litigation is often lawyer --  
21 heavily lawyer driven just by its very nature, but I will  
22 say that this is one of the more, frankly, bizarre  
23 situations I've ever been involved in. And we certainly  
24 want to make sure, particularly in light of the incredible  
25 expense associated with this case, that there's going to be

1 an orderly manner proceeding and that we're not in a  
2 situation where effectively lawyers for the Plaintiffs are  
3 driving this and fighting the pursuit of this litigation,  
4 almost to the absence of the Plaintiffs. And so I think  
5 that's a matter of very real concern to Southwest.

6 THE COURT: And that's a fair question. Mr. Hecht,  
7 can you shed some light on that?

8 MR. HECHT: I can. So, to my knowledge, there has  
9 been no withdrawal of Pierce Bainbridge as counsel authorized  
10 by Plaintiffs. We have engagement agreements that continue to  
11 be active that were not terminated, so I can speak for Pierce  
12 Bainbridge, at least from what I've seen -- there may have been  
13 communications with clients that I'm not aware of, but as far  
14 as I am concerned, the operative firms are Pierce Bainbridge  
15 and Bathae Dunne.

16 And we intend to be continuing to work with folks like  
17 Michael Pomerantz and others to make sure that, as the firm  
18 restructures, those counsel who are continuing and have  
19 critical roles, like Mr. Lorin and myself, could continue to  
20 be included, as well as working with people who, you know,  
21 have knowledge of the case.

22 And certainly Pierce Bainbridge -- on the question of  
23 how much money has been spent, Pierce Bainbridge has spent  
24 millions in lodestar. This is a very expensive case for  
25 Plaintiffs as well.

1 So, you know, we do understand Southwest's concerns and  
2 I can represent, without getting into drama, I don't think  
3 there's an issue with Plaintiffs at this time. And, you  
4 know, we will continue to cooperate, and I think in light of  
5 the restructuring and the more certainty that has now come  
6 out, I think Plaintiffs' counsel will all be able to  
7 cooperate. At least that's what Pierce Bainbridge is  
8 intending to do, to work together with counsel.

9 THE COURT: Okay. Thank you. Go ahead.

10 MR. DUNNE: Your Honor, this is Brian Dunne from  
11 Bathaee Dunne.

12 I would like to say that Bathaee Dunne has separate  
13 engagement agreements with all of the Plaintiffs in this  
14 case except for Lakesha Goggins, who wishes to withdraw,  
15 whose withdrawal Pierce Bainbridge has not filed, despite it  
16 being asked for a couple of months ago. And we find that to  
17 be very problematic.

18        But more to the point, I think, given the fact that we  
19 haven't been told about any of this, we have co-counsel from  
20 Dovel & Luner and co-counsel from Capshaw DeRieux. I think  
21 what makes sense here is for an orderly process to move and  
22 brief for lead counsel on this case, such that there is an  
23 orderly process for assignment of work and to -- and to  
24 communicate with clients.

25 I find it very troubling, very troubling that we showed

1 up at the hearing this morning and were told things we had  
2 never heard before, and then have our name used as though  
3 we're working with them, in the sense that, well, we're  
4 working with Bathaee Dunne to cure this and to -- we've  
5 never heard any of this. It's very troubling.

6 I will note that we, in our role of at least interim  
7 lead counsel, have asked for billing records from Pierce  
8 Bainbridge. David Hecht has zero hours, so I'm not certain  
9 why he would be on the record here claiming that he has  
10 worked long and hard on this case.

11 And this case is going forward and I -- I just -- I'm  
12 completely mystified, I will say, on behalf of our firm as  
13 to why we have gone through so much effort to represent and  
14 to communicate with our clients if, in fact, you know,  
15 there's -- there's someone kind of lurking who claims to be  
16 doing things.

17 And I'm a little bit troubled. I would like a more  
18 formal -- a more formal process of work assignments and of  
19 communication with clients, given what I've heard so far in  
20 this hearing. And I -- I'm happy to work with whomever is  
21 best to represent the class.

22 THE COURT: Okay. Mr. Dunne --

23 MR. DUNNE: But we weren't aware of the letters sent  
24 by Defendants. We were unaware of the allegations in them. I  
25 don't know anything about them. But I read the news too.

12

1       So to come in this morning and have a law firm come in  
2 and say, hey, you know, we secured a giant amount of money  
3 and we're working with Bathaee Dunne on this. No, we don't  
4 have an affiliation with whatever giant amount of money  
5 they're claiming. And we will work with them, but I would  
6 like an orderly process on behalf of our clients to make  
7 sure that everything is on the up and up here.

8           THE COURT: Okay. Mr. Dunne, let me just -- I want  
9 to stop you. I don't want to hear anything more about that.

10          The issue today was Plaintiffs' motion to withdraw,  
11 Document 79, which counsel has represented that was  
12 inadvertently filed and is requesting to orally withdraw it,  
13 which I'm going to grant that request to orally withdraw  
14 Document 79.

15          The issue between co-counsel, I'm not going down that  
16 path today. It's not before the Court. That's between  
17 y'all to work that out, and then if you bring something to  
18 the Court at that point, some other motion, but I'm not  
19 working out this family dispute, if that's what we want to  
20 label it as.

21          So in my view the issue we had for today is over, so  
22 I'll grant the oral motion to withdraw. It sounds like  
23 there's still issues to be dealt with between the  
24 relative -- on all Plaintiffs' counsel, and apparently there  
25 may be an issue with one of the Plaintiffs or clients who

1 wants to withdraw.

13

2 Again, I would ask, Mr. Hecht and Mr. Dunne, y'all work  
3 together to figure out how we proceed. This is an unusual  
4 matter the way it's come in, but the only thing before the  
5 Court is that matter and I'm not going to venture beyond  
6 that.

7 Okay. So that issue is behind us. And I think there  
8 were some concerns, Mr. Hecht, about documents and  
9 everything. But you're still associated with the firm, so  
10 you're representing as an officer of the court that that has  
11 all been kept in safekeeping.

12 So if there's no issue on that, I know there was a  
13 motion filed regarding extending deadlines. Did y'all want  
14 to discuss that at all? I know it's opposed.

15 MR. SIEBMAN: Your Honor, this is Clyde Siebman with  
16 Boeing. That was filed late yesterday. I was actually in a  
17 mediation until after 5:00 o'clock last night. I have not even  
18 had a chance to read that.

19 THE COURT: No, that's fine. We don't have to take  
20 it up. I only asked -- I haven't looked at it either. My law  
21 clerk gave it to me this morning, and I have not had a chance  
22 to review it myself. I just -- since we were on the phone, I  
23 thought I would at least bring it up.

24 So y'all can look at that, and I understand it's  
25 opposed, and it's something we can take up later or I can

1 rule on the papers when you file a response.

14

2 MR. SIEBMAN: Thank you, Your Honor.

3 MR. DUNNE: Yes, Your Honor, just one thing -- this  
4 is Brian Dunne. We have actually been talking about a  
5 potential joinder on unopposed changes to the schedule for more  
6 than a week now, because the -- the nearest upcoming deadline  
7 is June 12th for disclosure of expert reports.

8 As I'm sure you're aware from this hearing, the COVID  
9 pandemic and the counsel change and disruption, as well as  
10 in fact the critical lacking of data being sent over by  
11 Defendants has basically rendered that June deadline  
12 effectively impossible to meet.

13 And both clients -- both Defendants have actually, in  
14 correspondence, said they would be okay with at least a 60  
15 day extension of all deadlines in the case. So we would ask  
16 if we could at least have some sort of expedited briefing on  
17 the extension of the nearest term since we're very close to  
18 the expert disclosure deadline.

19 THE COURT: Well, Mr. Dunne, let me say this. I'll  
20 tell you right now, I will grant some relief. Again, I try to  
21 see if the parties can reach an agreement. See if y'all can do  
22 that. But do not worry about these upcoming deadlines right  
23 now, so I'm relieving you of that obligation. What the new  
24 deadlines will be, I would like to see if the parties can come  
25 to an agreement and then the Court can bless it. But I will

1 grant you some relief, so don't worry about that.

2 MR. DUNNE: Thank you, Your Honor.

3 THE COURT: So don't worry about those pending  
4 deadlines. Both sides look at the motion and see if you can  
5 work something out. That's always the Court's preference, if  
6 you can work it out, knowing that I am going to grant some  
7 relief. And then if you work out an agreement, I just need to  
8 bless it.

9 And with everything going on, I will tell you what I've  
10 been doing in just my -- what I would consider my general  
11 civil cases, I have granted every request for a continuance  
12 on deadlines. I usually start at 30 days, but I have gone  
13 up to 90 on some cases that are unique or more complex. So  
14 I have denied no request because of COVID.

15 Now, we're coming up to trials and I'm resuming -- I  
16 have a bench trial the last week of May. I'm resuming jury  
17 trials. I have jury trials June 8th, 15th, 23rd and 30th,  
18 and then I have a six week trial starting mid July. So we  
19 are, in the Eastern District, proceeding. And I'm not the  
20 only judge proceeding with jury trials, so we are resuming  
21 with those. So there may be a denial of continuances on  
22 issues as we get ready and start resuming jury trials. And  
23 we're taking all the precautions with masks and things like  
24 that.

25 But in terms of the general pretrial schedule, I've

1 been very accommodating to all the parties in all my cases  
2 with regards to just general pretrial and extending dates,  
3 because of the state of the world.

4       Okay. Let me go back and ask, Mr. Dunne, anything else  
5 I can do for you today for the Plaintiff?

6 MR. DUNNE: No. We greatly appreciate it, Your  
7 Honor.

8                   THE COURT: Mr. Hecht, anything else I can do for you  
9 today for the Plaintiffs?

10 MR. HECHT: That's all, Your Honor. Thank you very  
11 much.

12 THE COURT: And then for Boeing, Mr. Siebman, did you  
13 want to say something or anything else I can do?

14 MR. SIEBMAN: No, that's all. Thank you. Your Honor.

15 THE COURT: For Southwest, anything else I can do for  
16 Southwest today?

17 MR. SWARTZENDRUBER: No, that's all, Your Honor.  
18 Thank you.

19 THE COURT: Y'all have a great day and everyone stay  
20 safe. Thank you.

21 MR. SIEBMAN: Thank you. Your Honor.

22 MR. DUNNE: Thank you, Your Honor.

23 I certify that the foregoing is a correct transcript from  
24 the record of proceedings in the above-entitled matter.

25 Jan Mason Date

## EXHIBIT 2

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**Subject:** Admin Issues  
**Date:** Monday, April 13, 2020 at 9:34:01 PM Eastern Daylight Time  
**From:** Andrew Williamson  
**To:** Camille Varlack, Kevin Cash  
**Priority:** High  
**Attachments:** image001.png

Camille and Kevin:

Thank you again for all of your efforts. I feel like the last 6-7 weeks were easy for no one and I know you guys were working very hard to figure a way out of a bad situation.

I have a several administrative items I need to address ASAP (certainly by 4/15):

[REDACTED]

[REDACTED]

[REDACTED]

3. For the Boeing case (352-001) I am confirming that based up on the attorneys on the case no longer being associated with the firm in a few days, that as of 4/15 I need to withdraw them and the firm. The clients (since this is a class case) are already being informed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

If any of this is incorrect, or if we need to discuss, please let me know. I plan to file the withdrawals on Wednesday morning.

Best (under the circumstances!),

**Andrew M. Williamson, Of Counsel**  
**Pierce Bainbridge Beck Price & Hecht LLP**

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Washington, DC 20004  
O: (202) 839-3531 E: [awilliamson@piercebainbridge.com](mailto:awilliamson@piercebainbridge.com)  
*Admitted in Maryland, Virginia, West Virginia, and the District of Columbia*

**Boston | Cleveland | Los Angeles | New York | Washington, D.C.**

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# EXHIBIT 3

5/29/2020

Gmail - Re: Boeing, Ethical Concerns, and Restoration of Access to Email and Client Files



Andrew Williamson <amwilliamson10@gmail.com>

## Re: Boeing, Ethical Concerns, and Restoration of Access to Email and Client Files

1 message

Andrew Williamson <amwilliamson10@gmail.com>  
To: Edward Altabet <ealtabet@altabetlaw.com>

Cc: Camille Varlack <cvarlack@piercebainbridge.com>, Tom Warren <twarren@piercebainbridge.com>, Kevin Cash <kcash@piercebainbridge.com>

Wed, Apr 15, 2020 at 10:41 AM

Ed,

I will be in touch shortly. However, first, I wanted to follow up on our conversation last night regarding both Boeing and restoration of my access to email and client files. I am looping in and Kevin Cash, and Camille Varlack as well because, at least through today, they are the CFO, and COO for the firm. I am also looping in Tom Warren.

First, to recap our conversation last night, you accused me of making an "unauthorized filing" in the Boeing case. I explained to you that I had a previous discussion with Tom roughly a couple weeks ago about withdrawing attorneys who had left/were leaving matters that I am on, and was told that if folks are leaving/have left that they should be withdrawn unless the case was going with them. I also explained to you that on the firm-wide call on Monday evening we were all told that we were being laid off as of April 15th--absent perhaps a few employees remaining behind to transition cases with Jim and John, who as I understand it will be the only remaining attorneys at the firm.

I told you that, based on that information, and the fact that we were all supposed to be transitioning cases--and my own ethical obligations to clients, opposing counsel, and the court--that I began the process of winding my involvement in matters down. This has included, but is not limited to, informing my own clients of my departure so as to confirm that they wished for me to remain as their counsel, drafting withdrawal pleadings, and ensure files are prepared for transition.

In addition, as I explained to you on the phone, we were not given any specific guidance (beyond what I have listed above) as to how to wind matters down or transition cases. Accordingly, in light of all of this, and given that I had roughly 48 hours to ensure as smooth a transition as possible before my final day at the firm (today), I did what I thought I was supposed to do and what I was ethically obligated to do.

I confirmed the action I was going to take on various matters in an email that I sent to Kevin and Camille on Monday evening, after the firm-wide call. Specifically, as to Boeing, I confirmed that because no attorneys from the firm would be remaining on the Boeing matter, that I would be withdrawing everyone. I took the lead on this in part because for approximately the last month, I have been the *only* attorney still at this firm who has been actively involved with that matter, except, on occasion Andy Lorin. Later Monday evening, I responded to emails from counsel for Southwest in the Boeing case. Andy Lorin, a partner here, was on those emails (I thought David Hecht was too, but upon reviewing the correspondence it looks like I was mistaken). That email correspondence continued through Tuesday evening when I filed the withdrawal. I made clear from the outset that all Pierce Bainbridge attorneys were withdrawing. I repeated that statement across a half dozen email exchanges and even explained that I understood that Bathae Dunne LLP would remain as lead counsel and that Bathae Dunne's Local Counsel would remain on the case, and therefore this withdrawal would not delay the matter.

At no point did Andy Lorin instruct me not to file the withdrawal. At no point was I told by anyone else not to file the withdrawal, despite my efforts to confirm I was taking the appropriate course of action. I realize in a perfect world, it would have been ideal to have a specific set of instructions and to have more partner involvement in transitioning this and other cases, but that has been utterly lacking ever since we were told we were being laid off on Monday evening. In fact, as I understand from the general channel on Slack, even Camille appears to have been shut out of the process--as she said she has "zero line of sight" (at least as of Tuesday evening) on at least one key issue involved with transitioning cases. This, of course, makes transitioning matters/winding things down that much more difficult for all of us. Under the short time frame and given my own ethical responsibilities, I did what I thought I was supposed to do, and what I thought was in the best interests of the attorneys involved and the clients.

I also understand, based on our conversation last night, that you are acting as outside counsel for Pierce Bainbridge, and that apparently I was not supposed to file the withdrawal. It is unfortunate that I was not told this *before* filing the motion.

Nonetheless, I agreed to look into the steps that would need to be taken to try to modify or pull back the motion for withdrawal. And, you instructed me not to discuss any of this with Andy Lorin, Brian Dunne or Yavar Bathae. Because

5/29/2020

Gmail - Re: Boeing, Ethical Concerns, and Restoration of Access to Email and Client Files

you did not mention David Hecht, I also clarified on a couple of occasions during our discussion that I ought not speak to him as well.

I have looked into the procedure for withdrawing the motion/modifying the motion. I also have not discussed any of this with Andy, David, Brian or Yavar.

As best I can tell, the firm will need to file a motion to amend/correct or a motion to withdraw it. Prior to doing that, under the local rules, the firm will need to meet and confer with all counsel in the matter (meaning counsel for SW, counsel for Boeing, local counsel for Plaintiffs, and Lead Counsel for Plaintiffs). In addition, should the firm desire to file this motion, whomever on that matter that is remaining at the firm after today should file it. My understanding, even after our conversation last night, remains that no one on the case is going to remain at the firm after today, so I am not sure how to best achieve this.

All of that written, I have serious concerns [REDACTED]



For all these reasons, and due to my own duties to my soon-to-be-former class clients, I do not think I can be the one representing to the Court that Pierce Bainbridge will remain in this matter. It is not in the best interests of the clients. Based on my duty of candor to the Court I am not willing to file a motion to amend/withdraw in which I would have to represent that the firm has counsel remaining on the matter (let alone local counsel as required)—as far as I know all of the attorneys on this matter have left or are leaving the firm today. Of course, I will not object or otherwise hamper the firm's efforts to withdraw/amend the motion for withdrawal. Nor will I file any other withdrawals in other matters except for my own, where necessary.

Second, I have several matters at the firm that I need to attend to today to ensure I transition my own cases out and wrap things up with opposing counsel or other attorneys on several other matters. To do that, I need my access to SharePoint and my email. While I understand the firms' reasons for temporarily blocking me (even if I disagree with them), it is inappropriate and unethical for the firm to continue to block my access. It makes it impossible for me to fulfill ethical duties to clients, the court, and opposing counsel across several matters. Indeed, in the message you asked Tom Warren to send to the firm yesterday, you acknowledged the need for all attorneys here to "continue to have access to client files and their work-product—whether it is physically stored in the office or electronically, including their email accounts" even after our 4/15 termination date, and promised we would continue to have such access.

Please confirm that my access will be restored ASAP, and in any event, no later than noon Eastern, today. Thank you.

Andrew Williamson

On Wed, Apr 15, 2020 at 8:36 AM Edward Altabet <ealtabet@altabetlaw.com> wrote:

Andrew,

Just left you a voicemail. Please call me at 917.370.2469 to discuss the Boeing matter further. Thanks.

Ed

**Edward D. Altabet, Esq.**

Altabet Law LLC

646.780.0475 (direct)

ealtabet@altabetlaw.com

5/29/2020

Gmail - Re: Boeing, Ethical Concerns, and Restoration of Access to Email and Client Files  
[www.altabetlaw.com](http://www.altabetlaw.com)

5 Penn Plaza, 23rd Floor | New York, NY 10001

[by appointment only]

# EXHIBIT 4

**Andrew Williamson** 3:52 PM

Hi Andy. I just left you a voicemail mail about Boeing. Can we talk to in the next hour or so about a motion to amend the withdrawal to state you are remaining at the firm and will continue on the case? Camille Kevin and Ed Altabet asked that I reach out to you. Hopefully you had a heads up

-----  
**Andy L.** 4:33 PM

Hi Andrew, I am at an Apple repair shop, my computer is on the fritz, so I am largely out of pocket right now. I resigned from the firm on Saturday, so I will not be continuing on the Boeing case.



**Andrew Williamson** 4:55 PM

OK. Thanks for the update. Weird that Kevin, Camille, Ed Altabet were representing otherwise. Thanks. And best of luck.



**Andy L.** 6:40 PM

There was a possibility that I would start a new firm to help service the Boeing case and serve as cocounsel to Yavar and Brian. But I think Virage has screwed that up by alienating Y&B.

1

Today

-----  
**Andy L.** 12:19 AM

What are your plans?

PS Tiger King fan as well.



**Andrew Williamson** 12:58 PM

Haha. I'm going to set up a PLLC for now. And see where that goes. No one is hiring right now, unfortunately. Virage is alienating a lot of people and Ed Altabet keeps threatening me in an effort to coerce me into taking unethical action. It is unfortunate how this all fell apart.

-----  
**Andy L.** 2:24 PM

Agreed, very unfortunate. Wishing you luck. I have a feeling our paths will cross again



**Andrew Williamson** 2:45 PM

Thanks, and I agree. Either today or tomorrow I am going to file something to either correct or withdraw the motion to withdraw, but I want to be candid with the Court. Is this an accurate statement: "Andy Lorin is still affiliated with Pierce Bainbridge and his appearance should remain on file until his departure from the firm, at which time he will no longer be continuing as co-counsel for Plaintiffs in this matter." (edited)



**Andy L.** 3:52 PM

Please hold off until tomorrow so I can think about this. I'm not convinced that this is accurate.



**Andrew Williamson** 3:57 PM

OK. I may get push back from Ed Altabet on holding off that long. If I do can I Cc you on any emails with him debating the language in the motion I am filing? I do not feel comfortable filing a correction with your appearance still on file, without your blessing.



**Andy L.** 4:32 PM

I have given this more thought and I do not believe the motion can be filed in good faith. I certainly cannot be held out as continuing with the firm. I resigned last Saturday, and I am remaining for the purpose of transferring out of cases or transferring my cases to other entities, not to wait until the last minute to transfer out of cases. since you have filed papers removing PB as counsel, I do not see how or why that should be reversed now. PP is in capable of servicing the clients, nor does it have a good faith basis for believing that it shortly can service the client.

In addition, Ed is not a lawyer of the firm, but rather for the firm. He has not appeared in the case and has no role in advancing the interests of our clients.

4:33

Happy to participate in emails to get you out of the middle of this.

4:34



**Andrew Williamson** 4:46 PM

OK. I will loop you in.

I really appreciate this.

4:46



**Andy L.** 4:47 PM

No worries, this is the right thing to do.

## EXHIBIT 5

5/29/2020

Gmail - Earl v. Boeing



Andrew Williamson &lt;amwilliamson10@gmail.com&gt;

## Earl v. Boeing

**Andrew Williamson <amwilliamson10@gmail.com>**

To: Edward Altabet &lt;ealtabet@altabetlaw.com&gt;

Cc: Camille Varlack &lt;cvarlack@piercebainbridge.com&gt;, Kevin Cash &lt;kcash@piercebainbridge.com&gt;, Tom Warren &lt;twarren@piercebainbridge.com&gt;

Wed, Apr 15, 2020 at 6:05 PM

Ed,

Andy informs me that he is no longer with the firm. I'm not sure why you all represented to me that he would be willing to do this or that he was still at the firm. That was a blatant misrepresentation. Without Andy, I am not sure how PB wants to proceed in Boeing as it obviously *still* has no EDTX counsel as of today.

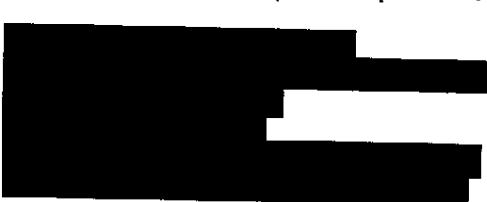
In addition, as a follow up to our earlier conversation, I am providing a list of cases that need to be transitioned. I understand today is my last day at the firm, and that I am being laid off as of today. While I had expected a formal termination letter, I am not surprised that I have not received one. Nonetheless, I am willing to continue to work to transition cases and will obviously withdraw/file notices of disassociation or change of address as appropriate over the next couple of days. However, I cannot effectively complete that work so long as I am locked out of SharePoint and locked out of my email.

Please ensure that access is restored by Thursday morning at 9 a.m. Eastern. I am signing off for the evening because I have other personal obligations I need to attend to. I will be available after 9 a.m. tomorrow.

Here is a list of cases where I still need the client files and need access to my emails for these case (I would give you the case numbers but it appears I've been locked out of Clio.)



In addition, here is a list of matters I was on but did not enter my appearance; there is probably some transition work that needs to occur, but there are other attorneys involved, so I anticipate they can handle. To the extent anyone has questions, I am happy to provide input on the following:



5/29/2020

Gmail - Earl v. Boeing

On Wed, Apr 15, 2020 at 3:59 PM Andrew Williamson <amwilliamson10@gmail.com> wrote:  
Ed,

Following our call earlier this afternoon, I reached out to Andy Lorin to get the ball rolling on a motion to amend the withdrawal. I left a voicemail and messaged him.

Camille/Kevin/Tom□ if someone could send me the MS Word version of our last filing in Boeing, I will get started on drafting. I obviously can not access the files.

Andrew

Sent from my iPhone

On Apr 15, 2020, at 1:36 PM, Andrew Williamson <AMWILLIAMSON10@gmail.com> wrote:

Copy that. Thanks.

Sent from my iPhone

On Apr 15, 2020, at 1:31 PM, Edward Altabet <ealtabet@altabetlaw.com> wrote:

I will call you between 2:15 and 2:45. Thanks.

**From:** Andrew Williamson <amwilliamson10@gmail.com>  
**Sent:** Wednesday, April 15, 2020 11:15 AM  
**To:** Edward Altabet <ealtabet@altabetlaw.com>  
**Cc:** Geoffrey L. Harrison <gharrison@susmangodfrey.com>; Kevin Cash <kcash@piercebainbridge.com>; Camille Varlack <cvarlack@piercebainbridge.com>; Tom Warren <twarren@piercebainbridge.com>  
**Subject:** Re: Earl v. Boeing

Ed,

As you know, I emailed you back about 3 minutes after you sent this message. It my email is attached for reference. I wish I could have gotten to you sooner this morning, but as you might imagine I am dealing with a lot here and just generally. I wrote you back as soon as I could. It is my hope that we can resolve all of these issues as well. As I mentioned, I would be in touch after sending that email, I and will. Thanks.

Andrew

On Wed, Apr 15, 2020 at 10:38 AM Edward Altabet <ealtabet@altabetlaw.com> wrote:

Mr. Williamson,

As you know, I am counsel to Pierce Bainbridge Beck Price & Hecht (□ PB□ ). We spoke last night at approximately 9:20PM (EST) to discuss the fact that you were not authorized

# EXHIBIT 6

5/31/2020

Gmail - Earl v. Boeing



Andrew Williamson &lt;amwilliamson10@gmail.com&gt;

## Earl v. Boeing

**Andrew Williamson <amwilliamson10@gmail.com>**

To: Andrew Lorin &lt;alorin@piercebainbridge.com&gt;

Cc: Edward Altabet &lt;ealtabet@altabetlaw.com&gt;, Kevin Cash &lt;kcash@piercebainbridge.com&gt;, Tom Warren

&lt;twarren@piercebainbridge.com&gt;, Camille Varlack &lt;cvarlack@piercebainbridge.com&gt;

Thu, Apr 16, 2020 at 5:25 PM

Ed,

Based on this new information from Andy, it seems to me that, contrary to your constant threats that the firm was going to sue me or that I was exposing myself to liability from the firm, and your argument that what I filed was "unauthorized", this filing was both proper and authorized.

Meanwhile, I still do not have access to files for clients that I need to transition out of the firm and still have not been able to effectively wind down cases that I am on—despite your representations earlier today that you would ensure my access to SharePoint and Outlook would be restored. I'm not sure if it was you, John Pierce, or Camille that had that had the final decision on that access being cut off, but please ensure that access is promptly restored so that I can do what I need to do to transition matters or wind my involvement down for my clients and my cases. Thank you.

Andrew

On Thu, Apr 16, 2020 at 5:07 PM Andrew Lorin <alorin@piercebainbridge.com> wrote:

That is all true. I am remaining at the firm for the purpose of transitioning off of cases. Now that that has now been done in the Boeing case, I see no reason to reverse that.

Andy

Sent from my iPhone

On Apr 16, 2020, at 4:58 PM, Andrew Williamson <amwilliamson10@gmail.com> wrote:

Ed,

In preparing to draft this motion to correct/amend the motion for withdrawal, I discussed the proper language to include with Andy Lorin. He responded to me now that he, like I, do not believe this motion can be filed in good faith. He cannot be held out as continuing with the firm.

He also pointed out something to me that you repeatedly refused to tell me regarding how the firm was going to continue with this matter; he told me (as the only remaining partner at this firm whose appearance is technically on record in this case) that the firm is incapable of servicing the clients, and there is no way the firm has a good faith basis for believing that anytime in the short term it can service the clients in this case.

I am not sure where that leaves us, but I am happy to have further discussions. At this time, I am holding off on drafting or filing anything.

Regards,

Andrew

On Thu, Apr 16, 2020 at 4:46 PM Andrew Williamson <amwilliamson10@gmail.com> wrote:  
Will do. I called around 2:15 and left you a voicemail. I'll try you again in a bit.

Andrew.

On Thu, Apr 16, 2020 at 2:53 PM Camille Varlack <cvarlack@piercebainbridge.com> wrote:  
Andrew pls call whenever free to discuss transitioning your matters.

5/31/2020

Gmail - Earl v. Boeing



**Camille Joseph Varlack, Chief Operating Officer**  
Pierce Bainbridge Beck Price & Hecht LLP

277 Park Avenue, 45th Floor  
New York, NY 10172  
P: (646) 609-8677

**Boston**  **Cleveland**  **Los Angeles**  **New York**  **Washington**.



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On Thu, Apr 16, 2020 at 1:58 PM Andrew Williamson <amwilliamson10@gmail.com> wrote:

Ed,

I understand that it is your position that this filing was "unauthorized." However, as I have explained repeatedly, at the time I filed it, I reasonably in good faith thought, that I was authorized to do so—and no one told me it was not authorized despite ample opportunity to do so. I thought the filing was appropriate and accurate, and made sure to make crystal clear *in writing* what I intended to do to those I believed to be in charge. My actions were not wrong and were entirely reasonable under the circumstances. I am still willing to be reasonable, now, but your constant barrage of baseless threats of the firm somehow pursuing a lawsuit against me and your misrepresenting Andy Lorin's availability to continue on this case have made it incredibly difficult for us to resolve this issue and for me to wind down my work, here.

As I told you yesterday, I understand now that the firm, despite not having any attorneys remaining on the case, would like me to move to amend the filing to indicate Pierce Bainbridge is still counsel of record. In addition, while I realize Kevin said Andy Lorin would remain at the firm through the end of the month, Andy Lorin made clear to me that he is not continuing on the case. As you know, I have, and remain willing to do that so long as the filing accurately reflects the facts. However, I cannot force Andy to remain on the case, nor can you. And, I will not misrepresent material facts to the Court or opposing counsel by simply omitting them from the filing.

**To be clear, I am not refusing to correct to correct or withdraw the motion.** And, I did not provide you with a draft yesterday, because the filing we envisioned included Andy Lorin, who as you know is not willing to continue on the case. In the email I sent to you last night I told you this and I also told you I was not sure how PB wanted to proceed. You never responded with any guidance. Instead you sent me the email I am responding to now in which you accuse me of refusing to cooperate and make other baseless accusations and threats. I was not refusing to cooperate; I was waiting for some guidance and access to the files so I could work from one of our prior pleadings—I even asked that someone send me an MS Word version of one of the pleadings. None was provided.

Assuming my access is restored so that I can do this work, I will provide you with a draft proposed filing later today, and I am happy to assist with getting it filed and meeting and conferring with all other attorneys on the case as required under LR CV 7. I realize you are of the opinion that no M&C is required, but that simply isn't what the rule says, and I can tell you from experience that, without a meet and confer, there is a very high likelihood the motion will get denied outright and the original pleading will stand,

**As for the other points raised in your email, here are my responses:**

5/31/2020

Gmail - Earl v. Boeing

1. I agree with you that I will need to file something with the Court to make clear that I have learned the firm's position is that the filing was unauthorized. This could take the form of motion to amend/correct as discussed above, or it could be simply a motion to withdraw the filing, and then PB can file whatever it wants in its place. My understanding is that you would prefer the former. If that is not the case, please let me know ASAP.
2. I will work with Camille on transitioning cases and making sure my appearance is withdrawn in various matters or my address is updated, as appropriate. I understand the firm is giving me until 5 pm Eastern on Friday to do this, but if more time is necessary the firm will give that to me. I will certainly let her know.
3. I have no reason to delete any emails nor will I do that.
4. Upon departure, I will only take confidential information relating to clients and matters that will be going with me.
5. I will not file any further motions or papers on behalf of PB, except my remaining withdrawal notices and the contemplated filing in Boeing.

Finally, I respectfully disagree with you that the firm has any rights "to reserve" to pursue any cause of action against me. I have done it no harm—if there are any actionable claims against anyone or any entity involved here, it is the firm itself (as evidenced by the multitude of lawsuits on file already against it and several named partners). Any recovery PB could possibly obtain in Boeing is based on work done by attorneys at this firm on this case through April 14th—which is the last day any work was done. There are no more PB attorneys on the Boeing case and therefore no more work to be done and no more fees to be earned. On top of that, even if there were still attorneys who could do work on it, that work would be subject to approval of lead counsel for the plaintiffs, and I highly doubt they would be giving any further work to PB. Thus, whether PB's appearance, with no attorneys, remains on file in Boeing, or not, its total future recovery would be the same.

In any event, I ask that you stop making these baseless threats as it appears to be an effort to either harass me, or to coerce me in to do something that would be unethical. I look forward to working with you to get something on file in Boeing and wind down my remaining work here.

Regards,

Andrew

On Thu, Apr 16, 2020 at 11:43 AM Edward Altabet <ealtabet@altabetlaw.com> wrote:

Andrew,

### Boeing

You filed a material filing in the Boeing matter that was unauthorized. And despite being asked to remedy that unauthorized act, you have now refused. You have admitted that you do not have a writing from any partner or officer of the firm that expressly authorized you to file the motion to withdraw Pierce Bainbridge or any of the other attorneys referenced in the motion papers filed. While you have, throughout these discussions, repeatedly referred to your duty of candor to the court, an attorney's duty of candor does not encompass sharing/internal confidential matters with the court, nor does it permit an attorney to file a document he is not authorized to file, nor does it permit an attorney to refuse to assist in remediating that situation. An attorney's duty of candor does, however, encompass the obligation to promptly inform a court that a filing made by the attorney was unauthorized.

5/31/2020

Gmail - Earl v. Boeing

As Kevin told you on the phone yesterday, Andy Lorin remains a partner of the firm through and until April 30. (See attached). In any event, you cannot have it both ways: while you are incorrectly treating Mr. Lorin's silence in response to various emails you apparently had with co-counsel and opposing counsel as permission to file the unauthorized motion, that argument would only be plausible to the extent Mr. Lorin remains a partner of the firm. In any event, silence is not assent or permission.

**Please take notice, Pierce Bainbridge reserves all rights to pursue claims against you for any prejudice, harm, or damage to its interest in the Boeing matter that may arise out of or relate to your unauthorized filing and your subsequent refusal to correct that action with a truthful and accurate statement to the court concerning your lack of authority in the form of an amended motion that you were asked to prepare yesterday and provide to the firm for its review, which you have refused to do.**

### **Transition**

As we discussed, your access to your firm email account was temporarily suspended in order to permit the firm to secure and preserve your emails as well as to ensure that you took no further improper actions. The firm has now had the opportunity to secure your PB email account. Your access will be restored later this morning through 5pm EST tomorrow in order to permit you to collect whatever records and correspondence relate to matters that are going with you. If you believe you require access after the close of business tomorrow, the firm will work with you to give you additional time.

**You are not to delete any emails. Please confirm that you agree to and understand this.**

**You are not to disclose, copy, or take copies of any confidential information relating to the firm or the firm's clients, excepting only confidential information relating to clients and matters that will be going with you. Please confirm that you agree to and understand this.**

**You are also not to file any motion, notice, or other paper with any court, agency, tribunal, or arbitrator in the name of or on behalf of Pierce Bainbridge. Please confirm that you agree to and understand this.**

**Please contact Camille as soon as possible so that she can walk you through the process regarding the transfer of any client files. Please also provide us with a forwarding address.**

**Regards,**

**Edward D. Altabet, Esq.**

**Altabet Law LLC**

**646.780.0475 (direct)**

5/31/2020

Gmail - Earl v. Boeing

ealtabet@altabetlaw.com

www.altabetlaw.com

5 Penn Plaza, 23rd Floor | New York, NY 10001

[by appointment only]

**From:** Andrew Williamson <amwilliamson10@gmail.com>  
**Sent:** Thursday, April 16, 2020 9:52 AM  
**To:** Edward Altabet <ealtabet@altabetlaw.com>  
**Cc:** Camille Varlack <cvarlack@piercebainbridge.com>; Kevin Cash <kcash@piercebainbridge.com>; Tom Warren <twarren@piercebainbridge.com>  
**Subject:** Re: Earl v. Boeing

Ed,

I have done everything I was told to do on yesterday afternoon's phone call to follow your protocol and reach out to Andy Lorin to do a motion for leave to amend in Boeing. I provided an update to you about all of that yesterday evening and asked that my access to files and email be restored by 9 a.m. on Thursday so that I can effectively wind down my work here and transition cases.

It is after 9 a.m. on Thursday, and I still do not have access to SharePoint or my email. When can I expect that to be restored? I also have not received any confirmation that (1) my client files will be made available to me or (2) that my plan of action to transition matters, per your protocol is acceptable. When can expect that confirmation. Thanks.

Andrew

On Wed, Apr 15, 2020 at 6:05 PM Andrew Williamson <amwilliamson10@gmail.com> wrote:

Ed,

Andy informs me that he is no longer with the firm (except for the purpose of transitioning cases). I'm not sure why you all represented to me that he would be willing to do this or that he was still at the firm. That was a blatant misrepresentation. Without Andy, I am not sure how PB wants to proceed in Boeing as it obviously *still* has no EDTD counsel as of today.

In addition, as a follow up to our earlier conversation, I am providing a list of cases that need to be transitioned. I understand today is my last day at the firm, and that I am being laid off as of today. While I had expected a formal

# EXHIBIT 7

**ANDREW J. LORIN**  
41 W83rd Street, Apt. 2D  
New York, NY 10024  
Telephone: (917) 935-3436  
Email: [andrew.lorin@gmail.com](mailto:andrew.lorin@gmail.com)

April 11, 2020

**Re: Resignation**

Dear Partners:

I hereby resign from the Pierce Bainbridge Beck Price and Hecht LLP. It is my current intention to remain at the firm until April 30, 2020, to assist in an orderly transition.

Very truly yours,

/s/

Andrew J. Lorin

## EXHIBIT 8

**PIERCE BAINBRIDGE**

Andrew M. Williamson  
Of Counsel  
601 Pennsylvania Avenue, NW  
South Tower, Suite 700  
Washington, DC 20004  
awilliamson@piercebainbridge.com  
(202) 839-3531

**VIA EMAIL**

April 22, 2020

Tom Warren  
Interim Managing Partner  
[twarren@piercebainbridge.com](mailto:twarren@piercebainbridge.com)

Camille Varlack  
Chief Operating Officer  
[cvarlack@piercebainbridge.com](mailto:cvarlack@piercebainbridge.com)

Kevin Cash  
Chief Financial Officer  
[kcash@piercebainbridge.com](mailto:kcash@piercebainbridge.com)

***Re: Final Case Transition/Wind-down Memorandum***

Dear Tom, Camille, and Kevin:

I have completed my work winding down and transitioning all my matters. However, some filings will have to wait until after I have fully exited the firm and I have a new address established. In addition, I am awaiting guidance from [REDACTED]

[REDACTED] a matter he took with him when he left the firm. For purpose of *fully* exiting the firm, I consider today to be my last day and, I will not be doing any further work on behalf of the firm after this evening. Of course, as explained below, I will still be monitoring emails through the end of the month to ensure various clients' interests are protected and to ensure a smooth transition of cases; I also still need to complete the process of having my files transferred over to me.

I confirmed with Camille that I will have access to my email through April 30<sup>th</sup> so that I can monitor emails and ensure any emails from opposing counsel, vendors, etc. are not missed. In addition, Camille confirmed I will have access to the DC Office through April 30<sup>th</sup> so that I can retrieve remaining items there. I have also confirmed that Quentin will be transferring over my client files and emails—hopefully by Thursday.

A summary of the status of all matters I was working on at the time I was laid off, and my actions to wind those matters down or transition them out of the firm is below. For each of these matters I ensured

## PIERCE BAINBRIDGE

April 22, 2020

Page 2

that any local files I had were moved to the server and did my best to ensure various case files were properly organized.

## 6. Earl v. Boeing

As you know, a motion to withdraw all former Pierce Bainbridge attorneys from this matter has been filed. And, despite initial unfounded demands that it be withdrawn or amended by the firm's outside

**PIERCE BAINBRIDGE**

April 22, 2020

Page 3

counsel, Ed Altabet, and baseless threats from Mr. Altabet to me, Andy Lorin (the only remaining partner on this case) confirmed my actions were proper, and that the motion should not be withdrawn. I therefore consider the matter of withdrawing the motion, fully resolved.

The only outstanding issues that remain for the firm on this matter is ensuring that all invoices—and in particular invoices for the firm's e-discovery vendor, Lightspeed—are paid. In addition, to ensure the firm does not incur further storage costs or transfer costs for the files Lightspeed is hosting (costs that will exceed \$1,000), Kevin Cash instructed me to direct Lightspeed to delete all files that it is hosting and ensure the firm's contract with Lightspeed is terminated. I took that action earlier today and received confirmation from Lightspeed (Kevin was also on those emails) that it would proceed accordingly. My work on this file is now complete.

**PIERCE BAINBRIDGE**

April 22, 2020

Page 4

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\* \* \*

If you have questions about any of the matters, please do not hesitate to give me a call or shoot me an email to my personal email address, and I will provide whatever guidance I can. Thank you.

Regards,



Andrew M. Williamson

# EXHIBIT 9

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**Subject:** FW: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

**Date:** Saturday, May 16, 2020 at 10:50:43 AM Eastern Daylight Time

**From:** Andrew Williamson

**To:** cvarlack@piercebainbridge.com, kcash@piercebainbridge.com

Camille and Kevin:

I am not sure who is left or who is in charge at Pierce Bainbridge, but as far as I can tell you are both still there (or were as of this week), so I am writing to you. At a hearing on Wednesday in the Boeing case, David Hecht made a number of representations to the Court, which I believe are misleading or at the very least vague. Following that hearing, counsel for Southwest sent a letter to a number of attorneys, including myself, asking for a plethora of information from Pierce Bainbridge and raising certain issues directly with me regarding my own actions.

I plan to respond to that letter by no later than Monday and have a couple of questions for both of you. First, although both Camille and Tom Warren confirmed that David's last day at the Pierce Bainbridge was April 15<sup>th</sup> and Tom explicitly told me to withdraw David's appearance in light of his departure (and that I was also told to withdraw all departing attorneys), David claims he is still either at Pierce Bainbridge or affiliated with it/speaks for it. I have no reason to doubt Camille or Tom's representations/instructions, but have significant concerns about what David told the Court. Can you please confirm whether David is authorized to speak for Pierce Bainbridge and explain how that is possible in light of his departure?

Second, Southwest is questioning my authorization to instruct the discovery vendor to delete the Boeing/Southwest document productions that it was hosting for Pierce Bainbridge. As Kevin knows, I sought his guidance on this issue before I departed, and he instructed me to tell the vendor to delete the files and send us a final invoice. Kevin, could you please re-confirm that you authorized that action by responding to this email?

If you could get back to me by Monday morning at the latest, I would really appreciate that. Thank you.

**Andrew M. Williamson**

**Member**

**A.Williamson, LLC**

**12410 Milestone Center Drive**

**Suite 600**

**Germantown, MD 20876**

**Phone: 301-916-1560**

**Email: [amw@awilliamson.law](mailto:amw@awilliamson.law)**

**Admitted in Maryland, Virginia, West Virginia, and the District of Columbia**

**[www.awilliamson.law](http://www.awilliamson.law)**

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**From:** "txedCM@txed.uscourts.gov" <txedCM@txed.uscourts.gov>

**Date:** Wednesday, May 13, 2020 at 10:37 AM

**To:** "txedcmcc@txed.uscourts.gov" <txedcmcc@txed.uscourts.gov>

**Subject:** Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

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U.S. District Court

Eastern District of TEXAS [LIVE]

### Notice of Electronic Filing

The following transaction was entered on 5/13/2020 at 9:35 AM CDT and filed on 5/13/2020

**Case Name:** Earl et al v. The Boeing Company et al

**Case Number:** 4:19-cv-00507-ALM

**Filer:**

**Document Number:** No document attached

**Minute Entry for proceedings held before District Judge Amos L. Mazzant, III:**  
**Telephonic Motion Hearing held on 5/13/2020 at 9:00 a.m. re [79] MOTION to Withdraw as Attorney All Pierce Bainbridge Attorneys filed by John Rogers, Valerie Mortz-Rogers, Stephanie Blakey, Muhammad Muddasir Khan, Alesia Beck, Damonie Earl, Marisa Thompson, Lakesha Goggins, Elizabeth Cooper, Timothy Blakey, Jr. and Linda Rugg, Yavar Bathaei, Brian Dunne, Elizabeth De Rieux, Barron Flood, John Jeffrey Eichmann, Andrew Jay Lorin, Andrew Michael Williamson, Andrew Wolinsky, David Hecht, and Michael Pomeranz appeared on behalf of Plaintiffs. Benjamin Hatch, Clyde Siebman, Jeremy Byrum, Thomas Miles Farrell and Joe Cascio appeared on behalf of Boeing Company; and Michael Swartzendruber, James Leito, Jason Fagelman, Mark Shaw, James Shepherd, and Carrie Forbes appeared on behalf of Southwest Airlines. Plaintiffs counsel advises they desire to withdraw their motion. Court orally grants (kkc )**

**4:19-cv-00507-ALM Notice has been electronically mailed to:**

Elizabeth L DeRieux ederieux@capshawlaw.com, athompson@capshawlaw.com, ccapshaw@capshawlaw.com, hpeterson@capshawlaw.com, rhurse@capshawlaw.com

Michael Alan Swartzendruber michael.swartzendruber@nortonrosefulbright.com, judy.garrison@nortonrosefulbright.com

Clyde Moody Siebman clydesiebman@siebman.com, deniselovelace@siebman.com, siebman@siebman.com, stephaniebooth@siebman.com

Jeffrey Jack Burley jeffburley@siebman.com, burleylawtx@gmail.com, stephaniebooth@siebman.com

Thomas Miles Farrell tfarrell@mcguirewoods.com, pfaulk@mcguirewoods.com

Jason K Fagelman jason.fagelman@nortonrosefulbright.com, shari.mcfadden@nortonrosefulbright.com

Gregory Scott Dovel greg@dovellaw.com, courts@dovellaw.com

Julien Antonio Adams julien@dovellaw.com, courts@dovellaw.com

John Jeffrey Eichmann jeff@dovellaw.com, courts@dovellaw.com

James Vincent Leito, IV james.leito@nortonrosefulbright.com, mary.mulvihill@nortonrosefulbright.com

Simon Carlo Franzini simon@dovellaw.com, courts@dovellaw.com

Geraldine W Young geraldine.young@nortonrosefulbright.com, jbalderas@fulbright.com

Brian James Dunne bdunne@bathaeedunne.com

Jonas B Jacobson jonas@dovellaw.com

Jeremy S Byrum jbyrum@mcguirewoods.com

David L Hecht dhecht@piercebainbridge.com, DocketNY@piercebainbridge.com, skyle@piercebainbridge.com

Elizabeth Siebman Forrest elizabethforrest@siebman.com, deniselovelace@siebman.com, esiebman@gmail.com, stephaniebooth@siebman.com

Philip Alexandar Tarpley philip.tarpley@nortonrosefulbright.com

Michael Pomerantz michael.m.pomerantz@gmail.com

Andrew Jay Lorin alorin@piercebainbridge.com, DocketNY@piercebainbridge.com, skyle@piercebainbridge.com

Yavar Bathaee yavar@bathaeedunne.com

Barron McGinnis Flood barron.flood@hsf.com, stephanie.morano@hsf.com

Andrew Chan Wolinsky awolinsky@bathaeedunne.com

Brian D. Schmalzbach bschmalzbach@mcguirewoods.com

Benjamin L. Hatch bhatch@mcguirewoods.com, jnoonan@mcguirewoods.com, kgollogly@mcguirewoods.com, mmayton@mcguirewoods.com, usdocket@mcguirewoods.com

Andrew Michael Williamson amw@awilliamson.law

Edward Maxwell Grauman egrauman@bathaeedunne.com

**4:19-cv-00507-ALM Notice will not be electronically mailed to:**

# EXHIBIT 10

---

**Subject:** FW: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing  
**Date:** Sunday, May 17, 2020 at 11:40:04 PM Eastern Daylight Time  
**From:** Edward D. Altabet  
**To:** 'amw@awilliamson.law'  
**CC:** John Pierce, 'dhecht@hechtpartners.com', 'ajlorin@gmail.com', 'Kevin Cash', Camille Varlack  
**Attachments:** image001.gif, image002.gif, image003.gif, image004.gif

**PRIVILEGED & CONFIDENTIAL**

Mr. Williamson,

As you know, I am counsel to Pierce Bainbridge. Once again you appear to be contemplating undertaking an improper course of action.

In the first instance, you should know better than to send an email like this to Kevin and Camille. The fact that you sent it to Kevin and Camille on Saturday (without copying me) – with a threat to send a letter on Monday morning to opposing counsel no less – suggests that you are looking for a way to do something unethical.

In the second instance, the three people that you should have sent your email to -- John Pierce, David Hecht, and Andrew Lorin – are conspicuously absent from your email correspondence.

Third, you are no longer an employee of Pierce Bainbridge and, to the best of my knowledge (and according to a review of the docket), A.Williamson, LLC, is not currently counsel to anyone in the Boeing matter, nor has it entered an appearance in the case. (If you believe we are mistaken, please immediately send us a copy of any relevant documents.)

Fourth, with respect to any inquiry you believe is directed to you from Boeing's or Southwest's counsel (which, incidentally, you did not bother to attach to your email): first, you are not authorized to communicate with defense counsel regarding the matter absent the express written consent of your former firm and your former clients; and second, under no circumstances are you permitted or allowed to divulge confidential and/or privileged information concerning your former firm or anything regarding this case to anyone other than Messrs. Pierce, Lorin, and Hecht, in the absence of a court order compelling you to do so.

Fifth, unless and until A.Williamson, LLC is retained as counsel or co-counsel in this matter, your role in this matter is at an end. If you are so retained, then you are obligated to discuss and disclose for comment any contemplated communication from you to the opposing party with all of plaintiffs' counsel before you send it to defense counsel. And if anyone has purported to direct you otherwise, or if anyone has purportedly directed you to respond to defense counsel's inquiry, then you must immediately forward that writing to everyone on this email chain.

You are directed to contact David Hecht on Monday morning before you do, say, or write anything further with respect to this matter.

Please be guided accordingly.

Edward D. Altabet • Partner

Cohen Seglias Pallas Greenhall & Furman PC

[website](#) | [offices](#) | [email](#)



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Begin forwarded message:

**From:** Andrew Williamson <[amw@awilliamson.law](mailto:amw@awilliamson.law)>  
**Date:** May 16, 2020 at 10:50:43 AM EDT  
**To:** "cvarlack@piercebainbridge.com" <[cvarlack@piercebainbridge.com](mailto:cvarlack@piercebainbridge.com)>, "kcash@piercebainbridge.com" <[kcash@piercebainbridge.com](mailto:kcash@piercebainbridge.com)>  
**Subject:** FW: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

Camille and Kevin:

I am not sure who is left or who is in charge at Pierce Bainbridge, but as far as I can tell you are both still there (or were as of this week), so I am writing to you. At a hearing on Wednesday in the Boeing case, David Hecht made a number of representations to the Court, which I believe are misleading or at the very least vague. Following that hearing, counsel for Southwest sent a letter to a number of attorneys, including myself, asking for a plethora of information from Pierce Bainbridge and raising certain issues directly with me regarding my own actions.

I plan to respond to that letter by no later than Monday and have a couple of questions for both of you. First, although both Camille and Tom Warren confirmed that David's last day at the Pierce Bainbridge was April 15<sup>th</sup> and Tom explicitly told me to withdraw David's appearance in light of his departure (and that I was also told to withdraw all departing attorneys), David claims he is still either at Pierce Bainbridge or affiliated with it/speaks for it. I have no reason to doubt Camille or Tom's representations/instructions, but have significant concerns about what David told the Court. Can you please confirm whether David is authorized to speak for Pierce Bainbridge and explain how that is possible in light of his departure?

Second, Southwest is questioning my authorization to instruct the discovery vendor to delete the Boeing/Southwest document productions that it was hosting for Pierce Bainbridge. As Kevin knows, I sought his guidance on this issue before I departed, and he instructed me to tell the

vendor to delete the files and send us a final invoice. Kevin, could you please re-confirm that you authorized that action by responding to this email?

If you could get back to me by Monday morning at the latest, I would really appreciate that. Thank you.

**Andrew M. Williamson**

**Member**

A.Williamson, LLC  
12410 Milestone Center Drive  
Suite 600  
Germantown, MD 20876  
Phone: 301-916-1560  
Email: [amw@awilliamson.law](mailto:amw@awilliamson.law)

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[www.awilliamson.law](http://www.awilliamson.law)

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**From:** "[txedCM@txed.uscourts.gov](mailto:txedCM@txed.uscourts.gov)" <[txedCM@txed.uscourts.gov](mailto:txedCM@txed.uscourts.gov)>

**Date:** Wednesday, May 13, 2020 at 10:37 AM

**To:** "[txedcmcc@txed.uscourts.gov](mailto:txedcmcc@txed.uscourts.gov)" <[txedcmcc@txed.uscourts.gov](mailto:txedcmcc@txed.uscourts.gov)>

**Subject:** Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

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U.S. District Court

Eastern District of TEXAS [LIVE]

### Notice of Electronic Filing

The following transaction was entered on 5/13/2020 at 9:35 AM CDT and filed on 5/13/2020

**Case Name:** Earl et al v. The Boeing Company et al

**Case Number:** [4:19-cv-00507-ALM](https://ecf.txd.uscourts.gov/case/4:19-cv-00507-ALM)

**Filer:**

Document Number: No document attached

**Minute Entry for proceedings held before District Judge Amos L. Mazzant, III:**  
**Telephonic Motion Hearing held on 5/13/2020 at 9:00 a.m. re [79] MOTION to Withdraw as Attorney All Pierce Bainbridge Attorneys filed by John Rogers, Valerie Mortz-Rogers, Stephanie Blakey, Muhammad Muddasir Khan, Alesia Beck, Damonie Earl, Marisa Thompson, Lakesha Goggins, Elizabeth Cooper, Timothy Blakey, Jr. and Linda Rugg. Yavar Bathaee, Brian Dunne, Elizabeth De Rieux, Barron Flood, John Jeffrey Eichmann, Andrew Jay Lorin, Andrew Michael Williamson, Andrew Wolinsky, David Hecht, and Michael Pomeranz appeared on behalf of Plaintiffs. Benjamin Hatch, Clyde Siebman, Jeremy Byrum, Thomas Miles Farrell and Joe Cascio appeared on behalf of Boeing Company; and Michael Swartzendruber, James Leito, Jason Fagelman, Mark Shaw, James Shepherd, and Carrie Forbes appeared on behalf of Southwest Airlines. Plaintiffs counsel advises they desire to withdraw their motion. Court orally grants Plaintiffs request to withdraw. Call adjourned at 9:28 a.m. (Court Reporter Jan Mason) (kjc )**

**4:19-cv-00507-ALM Notice has been electronically mailed to:**

Elizabeth L DeRieux [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com), [athompson@capshawlaw.com](mailto:athompson@capshawlaw.com), [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com), [hpeterson@capshawlaw.com](mailto:hpeterson@capshawlaw.com), [rhurse@capshawlaw.com](mailto:rhurse@capshawlaw.com)

Michael Alan Swartzendruber [michael.swartzendruber@nortonrosefulbright.com](mailto:michael.swartzendruber@nortonrosefulbright.com), [judy.garrison@nortonrosefulbright.com](mailto:judy.garrison@nortonrosefulbright.com)

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Andrew Chan Wolinsky [awolinsky@bathaeedunne.com](mailto:awolinsky@bathaeedunne.com)

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[kgollogly@mcguirewoods.com](mailto:kgollogly@mcguirewoods.com), [mmayton@mcguirewoods.com](mailto:mmayton@mcguirewoods.com), [usdocket@mcguirewoods.com](mailto:usdocket@mcguirewoods.com)

Andrew Michael Williamson [amw@awilliamson.law](mailto:amw@awilliamson.law)

Edward Maxwell Grauman [egrauman@bathaeedunne.com](mailto:egrauman@bathaeedunne.com)

**4:19-cv-00507-ALM Notice will not be electronically mailed to:**

## EXHIBIT 11

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**Subject:** Re: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing  
**Date:** Monday, May 18, 2020 at 3:59:12 PM Eastern Daylight Time  
**From:** Andrew Williamson  
**To:** Edward D. Altabet, 'David Hecht'  
**CC:** John Pierce, 'ajlorin@gmail.com', 'Kevin Cash', Camille Varlack, 'dhecht@piercebainbridge.com', 'alorin@piercebainbridge.com'  
**Attachments:** image001.gif, image002.gif, image003.gif, image004.gif

Mr Altabet,

Your baseless threats and efforts to intimidate me are inappropriate and unprofessional, and it is unclear what privilege or confidentiality you are asserting at the beginning of your first email. In addition, having now had the chance to review the transcript from last week's hearing, and confirm a number of what I believe are intentionally misleading and/or false statements of material facts, I have an ethical duty to correct the record. Out of an abundance of caution, and in light of your position that I cannot do any further substantive work on the record in this matter without a Court order, I will be seeking one, shortly, and I will be requesting an Ex Parte In Camera review of your emails and our other prior communications with Judge Mazzant.

In the meantime, I will also be responding to Southwest's inquiries insofar as they relate to me and not to Pierce Bainbridge or the clients. I do not need your authorization or David's/Andy's authorization to respond to inquiries directed to me individually.

Regards,

**Andrew M. Williamson**

**Member**

A.Williamson, LLC  
12410 Milestone Center Drive  
Suite 600  
Germantown, MD 20876  
Phone: 301-916-1560

Email: [amw@awilliamson.law](mailto:amw@awilliamson.law)

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---

**From:** "Edward D. Altabet" <ealtabet@cohenseglias.com>

**Date:** Monday, May 18, 2020 at 2:05 PM

**To:** 'David Hecht' <dhecht@hechtpartners.com>, "'amw@awilliamson.law'" <amw@awilliamson.law>

**Cc:** John Pierce <jpierce@piercebainbridge.com>, "'ajlorin@gmail.com'" <ajlorin@gmail.com>, 'Kevin

Cash' <kcash@piercebainbridge.com>, Camille Varlack <cvarlack@piercebainbridge.com>, "dhecht@piercebainbridge.com" <dhecht@piercebainbridge.com>, "alorin@piercebainbridge.com" <alorin@piercebainbridge.com>

**Subject:** RE: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

Mr. Williamson,

I just tried calling you at the number below. But no voicemail picked up.

No one else copied on this email has heard from you either – notwithstanding your Saturday email suggesting that you intended to send an unauthorized communication to defense counsel today.

Please call me or David before COB today to discuss; or else confirm that you are standing down and will fully cooperate with, and will undertake no action except at the express written behest of, Messrs. Hecht and/or Lorin.

Thank you.

Ed

My cell: 917.370.2469.

**From:** David Hecht <dhecht@hechtpartners.com>

**Sent:** Monday, May 18, 2020 10:26 AM

**To:** Edward D. Altabet <ealtabet@cohenseglas.com>; 'amw@awilliamson.law' <amw@awilliamson.law>

**Cc:** John Pierce <jpierce@piercebainbridge.com>; 'alorin@gmail.com' <alorin@gmail.com>; 'Kevin Cash' <kcash@piercebainbridge.com>; Camille Varlack <cvarlack@piercebainbridge.com>

**Subject:** RE: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

In case you don't have my cell number, it is 646-266-8753. I have calls all morning, so feel free to shoot me a text first and I will get back to you as soon as I can.

I look forward to speaking.

**From:** Edward D. Altabet <ealtabet@cohenseglas.com>

**Sent:** Sunday, May 17, 2020 11:40 PM

**To:** 'amw@awilliamson.law' <amw@awilliamson.law>

**Cc:** John Pierce <jpierce@piercebainbridge.com>; David Hecht <dhecht@hechtpartners.com>; 'alorin@gmail.com' <alorin@gmail.com>; 'Kevin Cash' <kcash@piercebainbridge.com>; Camille Varlack <cvarlack@piercebainbridge.com>

**Subject:** FW: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

**PRIVILEGED & CONFIDENTIAL**

Mr. Williamson,

As you know, I am counsel to Pierce Bainbridge. Once again you appear to be contemplating undertaking an improper course of action.

In the first instance, you should know better than to send an email like this to Kevin and Camille. The fact

that you sent it to Kevin and Camille on Saturday (without copying me) – with a threat to send a letter on Monday morning to opposing counsel no less – suggests that you are looking for a way to do something unethical.

In the second instance, the three people that you should have sent your email to -- John Pierce, David Hecht, and Andrew Lorin – are conspicuously absent from your email correspondence.

Third, you are no longer an employee of Pierce Bainbridge and, to the best of my knowledge (and according to a review of the docket), A.Williamson, LLC, is not currently counsel to anyone in the Boeing matter, nor has it entered an appearance in the case. (If you believe we are mistaken, please immediately send us a copy of any relevant documents.)

Fourth, with respect to any inquiry you believe is directed to you from Boeing's or Southwest's counsel (which, incidentally, you did not bother to attach to your email): first, you are not authorized to communicate with defense counsel regarding the matter absent the express written consent of your former firm and your former clients; and second, under no circumstances are you permitted or allowed to divulge confidential and/or privileged information concerning your former firm or anything regarding this case to anyone other than Messrs. Pierce, Lorin, and Hecht, in the absence of a court order compelling you to do so.

Fifth, unless and until A.Williamson, LLC is retained as counsel or co-counsel in this matter, your role in this matter is at an end. If you are so retained, then you are obligated to discuss and disclose for comment any contemplated communication from you to the opposing party with all of plaintiffs' counsel before you send it to defense counsel. And if anyone has purported to direct you otherwise, or if anyone has purportedly directed you to respond to defense counsel's inquiry, then you must immediately forward that writing to everyone on this email chain.

You are directed to contact David Hecht on Monday morning before you do, say, or write anything further with respect to this matter.

Please be guided accordingly.

**Edward D. Altabet** • Partner  
Cohen Seglias Pallas Greenhall & Furman PC

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Begin forwarded message:

**From:** Andrew Williamson <[amw@awilliamson.law](mailto:amw@awilliamson.law)>  
**Date:** May 16, 2020 at 10:50:43 AM EDT  
**To:** "[cvarlack@piercebainbridge.com](mailto:cvarlack@piercebainbridge.com)" <[cvarlack@piercebainbridge.com](mailto:cvarlack@piercebainbridge.com)>, "[kcash@piercebainbridge.com](mailto:kcash@piercebainbridge.com)" <[kcash@piercebainbridge.com](mailto:kcash@piercebainbridge.com)>  
**Subject: FW: Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing**

Camille and Kevin:

I am not sure who is left or who is in charge at Pierce Bainbridge, but as far as I can tell you are both still there (or were as of this week), so I am writing to you. At a hearing on Wednesday in the Boeing case, David Hecht made a number of representations to the Court, which I believe are misleading or at the very least vague. Following that hearing, counsel for Southwest sent a letter to a number of attorneys, including myself, asking for a plethora of information from Pierce Bainbridge and raising certain issues directly with me regarding my own actions.

I plan to respond to that letter by no later than Monday and have a couple of questions for both of you. First, although both Camille and Tom Warren confirmed that David's last day at the Pierce Bainbridge was April 15<sup>th</sup> and Tom explicitly told me to withdraw David's appearance in light of his departure (and that I was also told to withdraw all departing attorneys), David claims he is still either at Pierce Bainbridge or affiliated with it/speaks for it. I have no reason to doubt Camille or Tom's representations/instructions, but have significant concerns about what David told the Court. Can you please confirm whether David is authorized to speak for Pierce Bainbridge and explain how that is possible in light of his departure?

Second, Southwest is questioning my authorization to instruct the discovery vendor to delete the Boeing/Southwest document productions that it was hosting for Pierce Bainbridge. As Kevin knows, I sought his guidance on this issue before I departed, and he instructed me to tell the vendor to delete the files and send us a final invoice. Kevin, could you please re-confirm that you authorized that action by responding to this email?

If you could get back to me by Monday morning at the latest, I would really appreciate that. Thank you.

**Andrew M. Williamson**

**Member**

A.Williamson, LLC  
12410 Milestone Center Drive  
Suite 600  
Germantown, MD 20876  
Phone: 301-916-1560  
Email: [amw@awilliamson.law](mailto:amw@awilliamson.law)  
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**From:** "txedCM@txed.uscourts.gov" <txedCM@txed.uscourts.gov>

**Date:** Wednesday, May 13, 2020 at 10:37 AM

**To:** "txedcmcc@txed.uscourts.gov" <txedcmcc@txed.uscourts.gov>

**Subject:** Activity in Case 4:19-cv-00507-ALM Earl et al v. The Boeing Company et al Motion Hearing

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U.S. District Court

Eastern District of TEXAS [LIVE]

### Notice of Electronic Filing

The following transaction was entered on 5/13/2020 at 9:35 AM CDT and filed on 5/13/2020

**Case Name:** Earl et al v. The Boeing Company et al

**Case Number:** 4:19-cv-00507-ALM

**Filer:**

**Document Number:** No document attached

**Minute Entry for proceedings held before District Judge Amos L. Mazzant, III:**  
**Telephonic Motion Hearing held on 5/13/2020 at 9:00 a.m. re [79] MOTION to Withdraw as Attorney *All* Pierce Bainbridge Attorneys filed by John Rogers, Valerie Mortz-Rogers, Stephanie Blakey, Muhammad Muddasir Khan, Alesa Beck, Damonie Earl, Marisa Thompson, Lakesha Goggins, Elizabeth Cooper, Timothy Blakey, Jr. and Linda Rugg, Yavar Bathaei, Brian Dunne, Elizabeth De Rieux, Barron Flood, John Jeffrey Eichmann, Andrew Jay Lorin, Andrew Michael Williamson, Andrew Wolinsky, David Hecht, and Michael Pomeranz appeared on behalf of Plaintiffs. Benjamin Hatch, Clyde Siebman, Jeremy Byrum, Thomas Miles Farrell and Joe Cascio appeared on behalf of Boeing Company; and Michael Swartzendruber, James Leito, Jason Fagelman, Mark Shaw, James Shepherd, and Carrie Forbes appeared on behalf of Southwest Airlines. Plaintiffs counsel advises they desire to withdraw their motion. Court orally grants Plaintiffs request to withdraw. Call adjourned at 9:28 a.m. (Court Reporter Jan Mason) (kjc )**

4:19-cv-00507-ALM Notice has been electronically mailed to:

Elizabeth L DeRieux [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com), [athompson@capshawlaw.com](mailto:athompson@capshawlaw.com),

[ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com), [hpeterson@capshawlaw.com](mailto:hpeterson@capshawlaw.com), [rhurse@capshawlaw.com](mailto:rhurst@capshawlaw.com)

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**4:19-cv-00507-ALM Notice will not be electronically mailed to:**

## EXHIBIT 12

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**Subject:** Re: Earl v. Boeing Request for In-Camera Ex Parte Hearing

**Date:** Wednesday, May 20, 2020 at 9:14:29 AM Eastern Daylight Time

**From:** Andrew Williamson

**To:** Edward D. Altabet

**CC:** Andrew Lorin, John Pierce, Camille Varlack, 'Kevin Cash', [dhecht@piercebainbridge.com](mailto:dhecht@piercebainbridge.com)

Ed,

Thank you for your response. I will convey to Judge Mazzant that Pierce Bainbridge asserts privilege over all of those categories of documents and seek to have everything reviewed in camera.

I am not going to revisit our prior arguments over the motion to withdraw. We already resolved that issue in mid-April, and as I am sure you recall, despite your baseless accusations that I did something "unauthorized" or "ultra vires" it ended with Andy Lorin—the only remaining partner on the case at the time—confirming the firm could not in "good faith" continue to service the clients and Lorin confirming we should not withdraw the motion at that time. This was communicated in writing which will be reviewed in camera. I have not taken any action in this matter on behalf of the firm or the clients since leaving Pierce Bainbridge.

My offer to resolve on-the-record misrepresentations via the proposed stipulation stands. There is no need for you and I to meet and confer. You do not represent the Boeing Plaintiffs nor is your appearance on file in the case. If Andy Lorin and David Hecht would like to discuss the matter, without resorting to baseless threats and intimidation, I am willing to do so *without* your participation.

**Andrew M. Williamson**

**Member**

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**From:** "Edward D. Altabet" <[ealtabet@cohenseglas.com](mailto:ealtabet@cohenseglas.com)>

**Date:** Tuesday, May 19, 2020 at 11:48 PM

**To:** 'Andrew Williamson' <[amw@awilliamson.law](mailto:amw@awilliamson.law)>, "dhecht@piercebainbridge.com" <[dhecht@piercebainbridge.com](mailto:dhecht@piercebainbridge.com)>

**Cc:** Andrew Lorin <[alorin@piercebainbridge.com](mailto:alorin@piercebainbridge.com)>, John Pierce <[jpierce@piercebainbridge.com](mailto:jpierce@piercebainbridge.com)>, Camille Varlack <[cvarlack@piercebainbridge.com](mailto:cvarlack@piercebainbridge.com)>, 'Kevin Cash' <[kcash@piercebainbridge.com](mailto:kcash@piercebainbridge.com)>

**Subject:** RE: Earl v. Boeing Request for In-Camera Ex Parte Hearing

Andrew,

You are going to embarrass yourself further if continue on this path. No court is interested in hearing from a former associate about his perceived gripes with his former law firm. And while I have not yet seen the transcript of the May 13 proceedings, based on what has been reported to me, my sense is that Judge Mazzant has neither the time nor patience for this kind of nonsense.

I directed you on Sunday, in response to your inquiry of Saturday, to contact David on Monday morning before you undertook any further action in this matter. For all the lip service you've given me about your meet-and-confer obligations, I have a clear paper record of you refusing to call David, or me, or Andy, or John regarding the matter before you sent a letter to defense counsel and filed your latest set of papers with the court.

But we're getting ahead of ourselves. Conspicuously absent from your email below and your prior emails is any explanation as to why and how you are still involved in this case. You haven't presented an engagement letter between you and any of the plaintiffs in the action. And you haven't presented a co-counsel agreement. I asked you to produce these documents, to the extent they existed, on Sunday night. Instead, without having a meet-and-confer with us, you went rogue (again) – in breach of your fiduciary obligations to your former clients and your former firm and responded to an Inquiry from defense counsel and put in a new filing with the court. (Seriously, and I say this as a defense-side lawyer: what self-respecting plaintiffs' lawyer responds to a demand from defense counsel on an arbitrary schedule set by defense counsel?! Indeed: what self-respecting plaintiffs' lawyer who is no longer involved in a matter doesn't write back to defense counsel: "If you want information that you are not entitled to, subpoena me.") You keep insisting that you owe "ethical obligations to the court, the parties, and counsel." Yet you not only continue to ignore the fiduciary obligations you owe to your former clients and your former firm, you have not once provided any legal analysis that purports to support the, frankly, bizarre conduct you are now undertaking.

Your ultra vires motion to withdraw Pierce Bainbridge from the matter was successfully withdrawn on May 13 – without in any way casting aspersions on your conduct (though such aspersions would have been justified had they been cast). The proper response to that outcome would have been to send David and Andy a thank you note (and gift basket) and leave it at that.

While the withdrawal motion is now beside the point, it is nevertheless worth pointing out that I asked you, over the week of April 13, for you to provide me with a copy of any writing that expressly and explicitly authorized the particular action you undertook. The fact that no writings were produced speaks volumes.

**PLEASE TAKE NOTICE**, Pierce Bainbridge asserts privilege over all of the below mentioned documents and communications (and any other documents or communications that you are apparently contemplating divulging).

As for the nature of the privilege of my communications with you, they are privileged viz. defense counsel and any co-counsel. The privilege continues to exist and extend to communications between a firm and its former associate regarding a matter that the associate worked on while employed by his prior firm. And you have a fiduciary obligation to observe the privilege and keep all information you learned while in the employ of your former firm in confidence.

Andrew, I can't pretend that this is not a very serious matter with potentially very serious consequences. Your actions are potentially prejudicing your former clients in a multi-million dollar lawsuit. But there is still time and space for you to make a graceful exit from this situation: withdraw the filing that you made with the court yesterday and agree not to engage in any further correspondence with defense counsel, and the